

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:09cv271

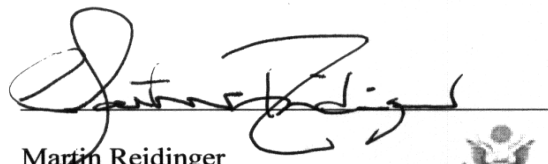
JAMES L. NICHOLSON, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
 )  
Defendant. )  
 )

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**J U D G M E N T**

For the reasons set forth in the Memorandum and Order filed herewith,  
**IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion for Summary Judgment is **GRANTED**; the Defendant's Motion for Summary Judgment is **DENIED**; and the Commissioner's decision is hereby **REVERSED AND REMANDED** for further proceedings consistent with the accompanying Memorandum and Order.

Signed: October 29, 2010

  
Martin Reidinger  
United States District Judge

